

**AMENDED
ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
MAY 21, 2008
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 21, 2008, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Detective Lee Ann Dobbertin
Mr. Joseph Duarte
Chief Jack Harris
Chief Patricia Huntsman
Ms. Wendy Larsen
Director Dora Schriro
Sergeant Robert Thompson
Sheriff Chris Vasquez

Members Absent:

Dr. Scott Decker
Attorney General Terry Goddard
Chief Jerry Sheridan
Director Roger Vanderpool

Staff in Attendance:

Harry Atkins
Curt Milam
Marie Dryer
Bob Forry
Matt Griffis
Tom Hammarstrom
Steve Jacobs
Lori Ketron
Gary Maschner
Lyle Mann
Paul Orfe
Lynn Pirkle
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorneys General
Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:00 a.m.

B. INTRODUCTIONS & RECOGNITION

Executive Director Hammarstrom introduced Mr. Ken Vance. Mr. Vance is the Executive Director of the Georgia State Peace Officer Standards and Training Council. Director Vance traveled to Arizona to observe the Board's meeting and to interact with POST staff.

Also, a plaque was presented to Officer Frank Perolla from the Tucson Police Department. Officer Perolla was recognized for his contribution as a subject matter expert for POST and as a firearms instructor.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Harris, seconded by Chief Sheridan.

1. Minutes of the Regular Board meeting, held on March 18, 2008, were approved as written.
2. Minutes of the Charging Board meeting, held on April 16, 2008, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, June 18, 2008, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, July 16, 2008, at 2:00 p.m. at Little America in Flagstaff, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

5. Decertification Case Status Report - As of March 31, 2008, the Compliance and Standards Unit had a caseload of 124 active cases. 10 cases are ready for initial presentation; 41 cases need further investigation; 9 cases are pending service of or response to a Notice of Complaint or Decision; 7 cases are pending hearing; 9 cases are ready for final action, and 48 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Ratify Item Mislabeled on April Agenda
At the April 16, 2008 Board meeting, the Board granted a full authority restricted certification to Thomas Baron of the Tohono O'odham Police Department. The substance of the Board's action was entirely proper and authorized. The agenda mistakenly referred to Thomas Baron as Thomas Brown. This ratification is intended to cure any possible defect in the Board's action on April 16, 2008. This ratification relates back to that date.
7. Income and Expense Statement – March 2008

Funds as of March 1, 2008	\$ 1,154,423.33
CJEF Revenue	768,721.32
Expenditures/Encumbrances	(540,728.78)
Balance for March 31, 2008	\$ 1,382,415.87

D. REGULAR AGENDA

1. Permission to Testify in Superior Court
Assistant Attorney General Diana Stabler is requesting permission to testify in superior court. The Board previously directed Ms. Stabler to obtain permission (absent court order) from the Board before offering testimony in court.

Mr. Duarte made to motion to give Diana Stabler permission to provide testimony in Superior Court about POST statutes, rules and the processes pertaining to them, seconded by Chief Harris, motion carried unanimously.
2. Hopi Resource Enforcement Services Petition on Behalf of Duwayne W. Honahni
The Hopi Resource Enforcement Services is petitioning the Board to determine that the sale of marijuana by Applicant Duwayne Honahni as a teenager was juvenile indiscretion.

Chief Harris moved to grant the petition that the pre-employment misconduct (one time sale of marijuana) by Duwayne Honahni constitutes juvenile indiscretion, seconded by Sheriff Vasquez, motion carried with one nay vote.

3. Proposed 2008/09 Fiscal Year Budget
The Arizona POST Finance Advisory Group met on May 1, 2008, and reviewed the 2008/2009 budget in its entirety. The Advisory Group voted unanimously to recommend that the Board adopt the proposed budget.

Director Hammarstrom presented the 2008/2009 fiscal year budget to the Board for its approval.

Chief Harris moved to adopt the proposed 2008/2009 Arizona POST budget, seconded by Sheriff Vasquez, motion carried unanimously.

4. Proposed Rule Revisions
The Arizona POST Rules Revision Advisory Group met on March 18, 2008, and considered two proposed revisions to POST Administrative Rules. The first proposed revision would impact background and polygraph investigations on retiring POST certified peace officers. This proposed rule revision is at the request of the Maricopa County Sheriff's Office. The second proposed revision would impact steroid abuse.

After a short discussion, the Board took no action on the proposal regarding background and polygraph investigations.

The Board voted to go into executive session at 10:30 a.m. to obtain legal advice pertaining to the proposed rule revision regarding steroid abuse. The open meeting reconvened at 11:22 a.m.

Lt. Deanna Coultas from the Pima County Sheriff's Office addressed the Board. She stated she is here on behalf of Sheriff Clarence Dupnik. Sheriff Dupnik is opposed to the proposed rule revision that would require mandatory reporting for steroid use. He feels the rule would be unduly burdensome to employees with legitimate medical conditions and wonders how it would be enforced in the towns and counties outside of the Phoenix Metropolitan area.

Chief Harris made a motion to return this proposed rule revision to the Rules Advisory Group and ask that they wait for the EEOC ruling, reevaluate the mandatory reporting proposal and consider other options (such as the legitimate prescription approach) and then bring this back to the Board for consideration, seconded by Mr. Duarte, motion carried unanimously.

E. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board about legislation that would be of interest to the Board.

F. SUMMARY OF CURRENT EVENTS

There is nothing new to report at this time.

G. COMMITTEE UPDATE

Director Hammarstrom informed the Board that the Rules Committee will be meeting in July in Flagstaff.

H. REPORTS**1. Basic Training**

ALEA – Commander Markley reported they currently have five classes representing 20 agencies with 218 recruits. 45 cadets graduated on May 9. They currently have a 17% attrition rate. They are hoping to have 15 classes in 2009.

CARLOTA – Director Johnston reported they recently graduated 20 cadets and a new class has started with 11 cadets representing 6 agencies. They have broken ground on their new firing range and hope this will be completed by the end of this year.

COTA - Vivian Valtierra reported they recently graduated 94 cadets. They currently have two classes with 56 recruits. They have 247 vacancies statewide.

Pima County S.O. – Lt. Deanna Coultas reported they currently have a class with 36 recruits. Another class will start April 7, 2008, with approximately 40-45 recruits, all from the Pima County Sheriff's Department.

3. Department of Corrections – Director Schriro stated that due to the budget situation, they had to postpone a class they had scheduled for June and reschedule it for next fiscal year. Violence in the facilities has dropped and they continue to have a low vacancy rate.**I. FINAL ACTION CASES:****Case #1 – Jennifer Huskisson – AZ Department of Public Safety**

The Board considered comments from Assistant A. G. Nancy Beck. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #2 – Robert L. Castrone – AZ Department of Transportation – MVD

The Board considered comments from Assistant A. G. Diana Stabler. Ms. Larsen made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Jesse A. Huggins – Pima County Sheriff's Department

Detective Dobbertin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Jeffrey M. Love – Clifton Police Department

The Board considered comments from Assistant A. G. Diana Stabler and Jeffrey Love. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for six months beginning on November 16, 2007, and ending on May 16, 2008, seconded by Ms. Larsen, motion carried unanimously.

Case #5 – David J. Parent – Lake Havasu City Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning on November 19, 2007, and ending on November 19, 2008, seconded by Chief Harris, motion carried unanimously.

Case #6 – Jarvis F. Russette – Navajo Department of Law Enforcement

The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Vasquez made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Schriro, motion carried unanimously.

Case #7 – Jody A. Tapia – Springerville Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Detective Dobbertin made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning on August 8, 2007, and ending on August 8, 2008, seconded by Mr. Duarte, motion carried unanimously.

Chief Huntsman left the meeting at this time.

Case #8 – Anthony L. Wojewocki – Scottsdale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #9 – Brian K. Carmichael – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Janet Feltz, attorney for Mr. Carmichael. Mr. Duarte made a motion to grant the State's Motion to Dismiss the Complaint against Mr. Carmichael without prejudice, seconded by Sheriff Vasquez, motion carried unanimously.

Case #10 – Kevin J. Prinski – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Janet Feltz. Sheriff Vasquez made a motion to grant the State's Motion to Dismiss against Mr. Prinski without prejudice, seconded by Director Schiro, motion carried unanimously.

Case #11 – Mark A. Wilcox – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Janet Feltz. Mr. Duarte made a motion to grant the State's Motion to Dismiss against Mr. Wilcox without prejudice, seconded by Detective Dobbertin, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – Gregory Barnargas – Gila River Police Department

Chief Harris made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Duarte, motion carried unanimously.

Case #2 – Craig J. Ford – Flagstaff Police Department

Chief Harris made a motion to close this case with ***No Action with Agency Discretion***, seconded by Ms. Larsen, motion carried unanimously.

Case #3 – DeAundra Murphy – Gila River Police Department

Ms. Larsen made a motion to close this case with ***No Action with Agency Discretion***, seconded by Detective Dobbertin, motion carried unanimously.

Case #4 – James E. Potts – Tempe Police Department

Chief Harris recused himself from this case. Sheriff Vasquez made a motion to ***Initiate Proceedings***, seconded by Ms. Larsen, motion carried unanimously.

K. CALL TO THE PUBLIC

No one wished to address the Board during the call to the public.

L. ADJOURN

Chairman Butler adjourned the meeting at 12:30 p.m.